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**Federal Communications Commission**

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Auburn School District 408	)	
	)	
Licensee of Station KUB430	)	File No.: EB-FIELDWR-14-00015914
	)	
Auburn, Washington	)	NOV No.: V201432980014
	)	
	)	

**NOTICE OF VIOLATION**

**Released: June 19, 2014**

By the Acting District Director, Seattle Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)<sup>1</sup> to Auburn School District 408, licensee of radio station KUB430 in Auburn, Washington. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation noted herein.<sup>2</sup>

2. On April 28, 2014, an agent of the Enforcement Bureau's Seattle Office monitored radio station KUB430, located in Auburn, Washington, and observed the following violations:

- a. 47 C.F.R. § 1.903(a): "Stations in the Wireless Radio Services must be used and operated only in accordance with the rules applicable to their particular service as set forth in this title and with a valid authorization granted by the Commission under the provisions of this part, except as specified in paragraph (b) of this section." An agent from the Seattle Office observed Auburn School District 8 operating a radio transmitter on 154.650 MHz, a frequency not authorized on their station license.
- b. 47 C.F.R. § 90.403(e): "Licensees shall take reasonable precautions to avoid causing harmful interference. This includes monitoring the transmitting frequency for communications in progress and such other measures as may be necessary to

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<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 C.F.R. § 1.89(a).

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minimize the potential for causing interference.” At the time of the on-scene investigation on April 28, 2014, the station KUB430 transmitter was repeatedly transmitting a signal on 154.650 MHz, at the same time as another licensee, WYZ465 in Easton, Washington, which is licensed to operate on this frequency, 154.650 MHz. The KUB430 transmissions created harmful interference to the WYZ465’s repeater input frequency of 154.650 MHz and prevented the effective use of the frequency.

- c. 47 C.F.R. § 90.425(a): “Except as provided for in paragraphs (d) and (e) of this section, each station or system shall be identified by the transmissions of the assigned call sign during each transmission or exchange of transmissions, or once each 15 minutes (30 minutes in the Public Safety Pool) during periods of continuous operation.” At the time of the investigation, the KUB430 signal was monitored for over one hour and did not transmit its station ID at any time.
- d. 47 C.F.R. § 1.903(a): “Stations in the Wireless Radio Services must be used and operated only in accordance with the rules applicable to their particular service as set forth in this title and with a valid authorization granted by the Commission under the provisions of this part, except as specified in paragraph (b) of this section.” An agent from the Seattle Office observed Auburn School District 8 operating a radio transmitter on 154.650 MHz, with a receive frequency of 151.505 MHz, configured as an FB2 radio repeater station. The radio station license, KUB430, authorizes operation as a fixed base station (FB), operating on a frequency of 151.835 MHz.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>3</sup> and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Auburn School District 408, must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.<sup>4</sup>

4. In accordance with Section 1.16 of the Rules, we direct Auburn School District 408, to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Auburn School District 408, with personal knowledge of the representations provided in Auburn School District 408 response, verifying the truth and accuracy of the information therein,<sup>5</sup> and confirming that all of the information requested by this Notice which is in the

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<sup>3</sup> 47 U.S.C. § 308(b).

<sup>4</sup> 47 C.F.R. § 1.89(c).

<sup>5</sup> Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person . . . . Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify,

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licensee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>6</sup>

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission  
Seattle Office  
11410 NE 122<sup>nd</sup> Way, Suite 312  
Kirkland, Washington 98034

6. This Notice shall be sent to Auburn School District 408, at its address of record.

7. The Privacy Act of 1974<sup>7</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Leo Cirbo  
Acting District Director  
Seattle Office  
Western Region  
Enforcement Bureau

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verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'.”  
47 C.F.R. § 1.16.

<sup>6</sup> 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

<sup>7</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).